

## **MEETING MINUTES, BOARD OF ZONING APPEALS, APRIL 28, 2008**

**Present:** Phil Tinkle, Shan Rutherford, Mike Campbell, Alford Kessinger, Ken Knartzter, Jay Isenberg, Asst. City Attorney, and Janice Nix, Recording Secretary

The meeting was called to order at 6:00 p.m. by Phil Tinkle, Chairman.

### **PREVIOUS MINUTES**

The Date of the minutes to be approved was incorrect on the agenda. Campbell moved to amend the agenda to change the date from the 28<sup>th</sup> to the 14<sup>th</sup>, seconded by Rutherford. Vote for approval was unanimous.

April 14<sup>th</sup> – Rutherford moved to approve the minutes as mailed, seconded by Knartzter. Vote for **approval** was unanimous, 5-0. **Motion carried.**

### **FINDINGS OF FACT**

**Docket V2008-006 – Dimensional Variance** – TLC Salon – Rutherford moved that in consideration of the statutory criteria that we adopt the written Findings of Fact as presented, incorporating the evidence submitted into the record, as our final decision and final action for Variance Petition Number V2008-006, seconded by Knartzter. Vote for **approval** was unanimous, 5-0. **Motion carried.**

**Docket V2008-007 – Dimensional Variance** – Dreyer & Reinbold Infiniti – Knartzter moved that in consideration of the statutory criteria that we adopt the written Findings of Fact as presented, incorporating the evidence submitted into the record, as our final decision and final action for Variance Petition Number V2008-007, seconded by Campbell. Vote for **approval** was unanimous, 5-0. **Motion carried.**

### **NEW BUSINESS**

**Docket V2008-008 – Dimensional Variance – Burger King** – located at 765 W. County Line Rd. – request to allow additional wall sign on the south elevation of the building – Jay's Sign Company, Applicant, representing.

Jay Jolley, Jay's Sign Co., came forward and was sworn. The variance request is for an additional wall sign on the south elevation of the Burger King building.

The statutory criteria was addressed as follows:

1. **Criteria:** The approval will not be injurious to the public health, safety, morals, and general welfare of the community; **Answer:** The sign would be securely affixed to the structure and constructed to applicable code requirements.
2. **Criteria:** The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. **Answer:** The property located in the midst of a regional commercial shopping area and the inclusion of signage would be consistent with the character of the area.
3. **Criteria:** The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. **Answer:** The strict application of the Zoning Ordinance would provide for the location of one 200 square-foot wall sign, while the petitioner has proposed 3 signs with a total square-footage of 117 square feet. Apportioning the square footage over multiple signs achieves the same intent for conservative sign design as envisioned by the Code.

4. **Criteria:** The proposed structure is not regulated under Indiana Code 8-21-10-3 because **Answer:** The property is located 10,640 feet from the runway of the Greenwood Municipal Airport and is not located within the Airspace Overlay Zoning District.

Knartzer stated he feels the additional signage is needed for identification purposes.

Campbell moved that we admit into the record all evidence presented in regard to this matter, including the notices, receipts, maps, photographs, written documents, Petitioner's application and attachments, Petitioner's Detailed Statement of Reasons, the Staff Report prepared by the Planning Department, certified copies of the Zoning Ordinance and Comprehensive Plan, testimony of the Petitioner, City planning staff and any Remonstrators, and all other exhibits presented, be they oral or written, for consideration by this Board in regard to this petition, seconded by Knartzer. Vote for **approval** was unanimous, 5-0. **Motion carried.**

Rutherford moved to approve an additional wall sign for Burger King located at 765 W. County Line Rd., seconded by Knartzer. Vote for **approval** was unanimous, 5-0. **Motion carried.**

Knartzer moved that having considered the statutory criteria that we direct the City Attorney's Office to draft written Findings of Fact, regarding our decision approving Variance Petition Number V2008-008, said Findings to specifically incorporate the staff report and the evidence submitted into the record, for consideration and adoption by the Board of Zoning Appeals as our final decision and final action regarding this Petition at our next meeting, seconded by Kessinger. Vote for **approval** was unanimous, 5-0. **Motion carried.**

**Docket V2008-009 – Special Use Exception – Greenwood Schools Transportation Building** – to be located on S. Averitt Road – request to allow school related uses in R-2 Residential Single-family zone – Greenwood Community School Corp., Applicant; Van Valer Law Firm, representing.

Joyce Nies, Van Valer Law Firm, came forward and was sworn, as well as members of the audience.

The proposed request is for a special use exception. The zoning will remain the same. The front portion of the property will be reserved for construction of an additional school building if needed in the future. The rear of the property will be developed into a transportation building for the Greenwood School system.

The statutory criteria was addressed as follows:

1. **Criteria:** Appropriate screening and buffering of the site, including refuse and other service areas, is provided to ensure that the use will be compatible with neighboring properties and will be present acceptable views from public ways. **Answer:** The property is pending commercial site plan approval and has proposed an acceptable buffer yard along the southern, western and northern boundaries in accordance with the requirements of the Zoning Ordinance. The site of the transportation center will be set back from the Averitt Road frontage by several hundred feet and would not require buffering.
2. **Criteria:** Ingress and egress to the site and to structures is safe and adequate, and on-site circulation is also safe and adequate. **Answer:** The petitioner proposes a 28-foot wide access drive to the site which would eventually coincide with an entrance to the future public park and would have acceleration and deceleration tapers on Averitt Road.
3. **Criteria:** Satisfactory parking and loading facilities is provided. **Answer:** The parking of busses shall be distinct from employee and visitor parking and would be consistent with the requirements of the Zoning Ordinance.
4. **Criteria:** Adequate utility services and related facilities are available. **Answer:** The utilities have submitted intent to serve letters with the Commercial Site Plan filing.

5. **Criteria:** Adequate yards and open space are provided. **Answer:** This use would occupy a small portion of the site with the balance reserved for a new school should the school corporation require additional capacity.
6. **Criteria:** The proposed use does not generate environmental impacts which may threaten public health and safety, including, but not limited to, negative impacts to air quality (such as odor, smoke or air pollution), increased flooding due to filling of the floodplain, or a loss of wetlands. **Answer:** All school busses are required to attain emission standards and drainage will be designed to outlet through the adjacent park property.
7. **Criteria:** Compatibility with surrounding uses. The proposed Special Exception shall not cause a loss of use or enjoyment of adjacent properties. **Answer:** The property to the north is agriculturally utilized and the proposed transportation center will not preclude the continued use of this property for those agricultural purposes; the property to the south is improved with several single-family residential uses which are far removed from the proposed site; and the property to the west is currently in agriculture but the site of the future park.
8. **Criteria:** The design of the structures is in harmony with the surrounding area, in both style and scale. **Answer:** The area is predominantly agricultural in character and sparsely populated.
9. **Criteria:** The petition is not in conflict with the Comprehensive Plan. **Answer:** The Comprehensive Plan proposes institutional uses for the property acknowledging the ownership of the property by the school corporation.

Tim Heith, 1301 Averitt Road, Grwd came forward. Is opposed to the transportation center being constructed on this property. He was under the impression that only an elementary school would be constructed on this site. Doug Corliss, 788 W. Cutsinger Rd., Grwd, came forward. He inquired about proposed drainage. Tinkle stated that drainage would be studied at the time the site development plan is approved.

Nies came forward for rebuttal. Regarding the entrance into the property, it will be owned and maintained by the school corporation. There will be accel and decel lanes. Kessinger inquired about the number of buses and how many times a day they would be coming and going from the site. Nies stated morning, afternoon, as well as for field trips, sporting events, kindergarten, etc. Entryway into the future park will be an extension of Stop 18.

Rutherford recused himself from consideration of this petition.

Campbell moved that we admit into the record all evidence presented in regard to this matter, including the notices, receipts, maps, photographs, written documents, Petitioner's application and attachments, Petitioner's Detailed Statement of Reasons, the Staff Report prepared by the Planning Department, certified copies of the Zoning Ordinance and Comprehensive Plan, testimony of the Petitioner, City planning staff and any Remonstrators, and all other exhibits presented, be they oral or written, for consideration by this Board in regard to this petition, seconded by Knartzer. Vote for **approval** was unanimous, 4-0. **Motion carried.**

Knartzer moved to approve the special exception request by Greenwood Schools to allow school related uses in an R-2 Single Family Zone, seconded by Campbell. Vote for **approval** was unanimous, 4-0. **Motion carried.**

Campbell moved that having considered the statutory criteria that we direct the City Attorney's Office to draft written Findings of Fact, regarding our decision approving Variance Petition Number V2008-009, said Findings to specifically incorporate the staff report and the evidence submitted into the record, for consideration and adoption by the Board of Zoning Appeals as our final decision and final action regarding this Petition at our next meeting, seconded by Knartzer. Vote for **approval** was unanimous, 4-0. **Motion carried.**

BZA, April 28, 2008, Page 4

Rutherford resumed his position with the Board.

**ANNOUNCEMENTS/REPORTS**

Rutherford moved to adjourn, seconded by . Vote for Knartzer **approval** was unanimous, 5-0.  
**Motion carried.** Meeting was adjourned a 6:40 p.m.

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JANICE NIX  
Recording Secretary

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PHIL TINKLE  
Chairman